

### 7.3 BALLOT ARGUMENT FOR UTILITY USERS TAX

#### Consideration of Ballot Argument for Utility Users Tax (Continued from July, 27, 2004)

**Contact Person:**

Name:	Lisa Goldman	Lynn Macy
Title:	Intergovernmental Relations Manager	Assistant City Manager/City Clerk
Dept.:	City Manager's Office	City Manager's Office
Phone:	510-284-4012	510-284-4005
E-Mail:	lgoldman@ci.fremont.ca.us	lmacy@ci.fremont.ca.us

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**Executive Summary:** At the July 27, 2004, City Council meeting, the Council adopted an ordinance that, should it be approved by the voters in November, would levy a 6% utility users tax on the use of electricity, natural gas, telephone (wired and wireless), cable tv (federal law currently precludes taxation of satellite tv), water, and sewer. It also approved a resolution containing the final language for the ballot question. At the July 27 meeting, the City Council also considered a ballot argument in favor of the utility users tax (UUT) prepared by Councilmembers Dutra and Wasserman and suggested changes to the argument. Council must now consider those changes to the ballot argument.

**BACKGROUND:** The State Elections Code allows the City Council to determine its interest in authoring an argument in favor of the ballot measure for the UUT. The Elections Code provides for signed arguments to be filed with the City Clerk as the Elections Official. Arguments of no more than 300 words each for and against any ballot measure will then be included in the Voters Sample Ballot. The signed arguments must be submitted to the City Clerk by 5:00 p.m. on Tuesday, August 10, 2004. Any rebuttal arguments of no more than 250 words must be submitted by 5:00 p.m. on Friday, August 20, 2004. If there is no argument put forward in opposition to the ballot measure, then there will be no rebuttal argument.

At the July 13, 2004, City Council meeting, the Council authorized Councilmembers Dutra and Wasserman to draft the ballot arguments (in favor, and in rebuttal to any argument filed against the measure) and authorized the remaining Councilmembers to use their titles as members of the City Council to sign the arguments. At the July 27, 2004, City Council meeting, the Council suggested changes to the ballot argument prepared by Councilmembers Dutra and Wasserman. The new draft is for further revisions and final drafting of the proposed wording now before the City Council for review and approval. The City Attorney confirmed that the City Council can authorize the Mayor to sign the argument on its behalf. The revised argument will be presented to the City Council at the meeting.

**ENCLOSURE:** None.

**RECOMMENDATION:**

1. Agree to and determine who will to sign the ballot argument;
- or-
2. Suggest changes to the revised ballot argument prepared by Councilmembers Dutra and Wasserman, and delegate authority to up to two Councilmembers to author and sign the ballot argument and authorize the remaining Councilmembers to use their titles as members of the City Council to sign the argument.

